

William J. Ohle (OSB 913866)†  
SCHWABE, WILLIAMSON & WYATT P.C.  
PacWest Center  
1211 SW Fifth Avenue, Suite 1900  
Portland, OR 97204  
Phone: (503) 222-9981  
E-mail: [wohle@schwabe.com](mailto:wohle@schwabe.com)

Samuel B. Gedge (VA Bar No. 80387)\*  
INSTITUTE FOR JUSTICE  
901 North Glebe Road, Suite 900  
Arlington, VA 22203  
Phone: (703) 682-9320  
E-mail: [sgedge@ij.org](mailto:sgedge@ij.org)

*Attorneys for Plaintiff*

† Designated local counsel  
\* Admitted *pro hac vice*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

MATS JÄRLSTRÖM,

Case No.: 3:17-cv-00652-SB

Plaintiff,

v.

CHRISTOPHER D. ALDRIDGE, WILLIAM J. BOYD, DAREN L. CONE, SHELLY MC DUQUETTE, JASON J. KENT, LOGAN T. MILES, RON SINGH, DAVE M. VAN DYKE, SEAN W. ST. CLAIR, AMIN WAHAB, and OSCAR J. ZUNIGA JR., in their official capacities as members of the Oregon State Board of Examiners for Engineering and Land Surveying,

**AGREED PRELIMINARY  
INJUNCTION**

Defendants.

On April 25, 2017, Plaintiff Mats Järlström filed a civil-rights complaint [ECF 1] in the above-styled matter against the members of the Oregon State Board of Examiners for Engineering and Land Surveying (Board) in their official capacities. Järlström's complaint asserts that Oregon's Professional Engineer Registration Act, Or. Rev. Stat. § 672.002 *et seq.*, and implementing regulations violate the First Amendment to the U.S. Constitution both as-applied and on their face by preventing him from (1) communicating publicly and privately about theories relating to the mathematics behind traffic lights, and (2) describing himself using the word "engineer."

Rather than litigating a motion for preliminary injunction, the Board agrees not to enforce the Professional Engineer Registration Act, Or. Rev. Stat. § 672.002 *et seq.*, or any implementing regulations against Plaintiff Järlström during the pendency of this litigation for engaging in any of the speech described below.

Accordingly, and the Court being sufficiently advised, it is hereby ORDERED as follows:

**1.** Plaintiff Järlström may study, communicate publicly about, and communicate privately about his theories relating to traffic lights throughout the pendency of this litigation as long as Plaintiff Järlström's communications occur outside the context of a paid employment or contractual relationship relating to the timing of traffic lights with a governmental or other entity that changes or implements or has final approval to change or implement traffic-light timing without the review and acceptance of responsibility by an Oregon-licensed professional engineer.

**2.** Plaintiff Järlström may describe himself publicly and privately using the word "engineer" throughout the pendency of this litigation.

3. The Board shall not enforce the Professional Engineer Registration Act, Or. Rev. Stat. § 672.002 *et seq.*, or any implementing regulations against Plaintiff Järlström during the pendency of this litigation for having engaged in the activities described in Paragraph 1 or Paragraph 2 above.

4. The Board shall not enforce the Professional Engineer Registration Act, Or. Rev. Stat. § 672.002 *et seq.*, or any implementing regulations against Plaintiff Järlström at any time—during or after this litigation—for having engaged in activities described in Paragraph 1 or Paragraph 2 above during the pendency of this litigation.

5. The bond requirement set forth in Federal Rule of Civil Procedure 65 is waived.

Dated: 5-30-17



United States District Judge

AGREED TO BY:

/s Christina L. Beatty-Walters (signed by  
consent)  
Christina Beatty-Walters (OSB 981634)  
OREGON DEPARTMENT OF JUSTICE  
100 SW Market St.  
Portland, OR 97201  
Phone: (971) 673-1880  
E-mail: tina.beattywalters@doj.state.or.us

*Attorney for Defendants*

/s Samuel B. Gedge  
Samuel B. Gedge (VA Bar No. 80387)\*  
INSTITUTE FOR JUSTICE  
901 North Glebe Road, Suite 900  
Arlington, VA 22203  
Phone: (703) 682-9320  
Fax: (703) 682-9321  
E-mail: sgedge@ij.org

Wesley Hottot (WA Bar No. 47539)\*  
INSTITUTE FOR JUSTICE  
10500 NE 8th Street, Suite 1760  
Bellevue, WA 98004  
Phone: (425) 646-9300  
Fax: (425) 990 6500

E-mail: whottot@ij.org

William J. Ohle (OSB 913866)†  
Jill S. Gelineau (OSB 852088)  
SCHWABE, WILLIAMSON & WYATT PC  
PacWest Center  
1211 SW Fifth Avenue, Suite 1900  
Portland, OR 97204  
Phone: (503) 222-9981  
Fax: (503) 796-2900  
E-mail: [wohle@schwabe.com](mailto:wohle@schwabe.com)  
[jgelineau@schwabe.com](mailto:jgelineau@schwabe.com)

Kelly M. Walsh (OSB 993897)  
SCHWABE, WILLIAMSON & WYATT PC  
700 Washington Street Suite 701  
Vancouver, WA 98660  
Phone: (360) 694-7551  
Fax: (360) 693-5574  
E-mail: [kwalsh@schwabe.com](mailto:kwalsh@schwabe.com)

*Attorneys for Plaintiff*

† Designated local counsel

\* Admitted *pro hac vice*